

## **REMARKS**

This amendment is in response to the office action dated July 13, 2004. Claims 1, 11, 12, and 22 have been amended. Claims 1- 23 are still pending. The specification has been amended for clarity and consistency.

### **OBJECTION TO DRAWINGS**

The drawings have been objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically the examiner objected to the following limitations found in claim 1:

A first window on the first display device, the first display device having a first resolution, the first window including a number of pixels in a first and second direction

A second window on a second display device having a second resolution different from the first resolution, the second window including substantially the same number of pixels in a first direction as the first window and including substantially the same number of pixels in a second direction as the first window.

Claim 1 has been amended to substitute the term "panel" for the term "window" wherever the term "window" was previously used to be consistent with the use of these two terms in the specification. Therefore, claim 1 now reads, in part:

presenting the test item to the respondent in *a first panel on the first display device, the first display device having a first resolution, the first panel including a number of pixels in a first and a second direction*, wherein additional pixels may be viewed by scrolling subject matter through the panel;

presenting the test item to the respondent in *a second panel on a second display device, the second display device having a second resolution different from the first resolution, the second panel including substantially the same number of pixels in a first direction as the first panel and including substantially the same number of pixels in a second direction as the first panel*;

All elements of this claim can be found in Figures 2 and 3. Figure 2 shows a first panel 32 on a first display device 26 having a first resolution. Figure 3 shows a second panel 32 on a second display device 28 having a second resolution different from the first resolution. Resolution is a quality of the display device and therefore is inherent in the drawings.

For the same reasons, the examiner objected to the following limitations found in claim 12.

A first test item on a first display having a first resolution, the first item being displayed in a window having a vertical and horizontal parameters defined in pixels

displaying the first test item on a second display having a second resolution larger than the first resolution, the first item being displayed in a window having vertical and horizontal parameters that are substantially the same as the parameters used to display the item on the first device

Claim 12 has been amended in a similar manner to claim 1; each instance of the term "window" has been replaced with "panel." Claim 12 now includes the steps of:

*displaying a first test item on a first display having a first resolution, the first item being displayed in a panel having vertical and horizontal parameters defined in pixels, the first test item comprising an image of test content and an overlaid response control; and*

*displaying the first test item on a second display having a second resolution larger than the first resolution, the first item being displayed in a panel having vertical and horizontal parameters that are substantially the same as the parameters used to display the item on the first device, wherein substantially the same amount of scrolling is needed to display the first test item on the first display and on the second display.*

As with regards to claim 1, all elements in this claim can be found in Figures 2 and 3.

Accordingly, please withdraw the objections to the drawings.

#### **SPECIFICATION AMENDMENTS**

The amended specification contains some editorial revisions and clarifications. No new matter has been added.

Editorial revisions have been made to the paragraph beginning at page 6, line 7 of the specification. Specifically, the original paragraph mentions both "test item panel 32" and "test item window 32." The text has been edited so that the term "test item panel 32" or "panel 32" is used consistently.

The paragraph beginning at page 6, line 12 of the specification has been amended to recite:

Each test has a minimum resolution, referred to here as the target resolution, at which it may be displayed. The resolution of each test panel is equal to the target resolution.

This amendment has been made to clarify the definition of the term "target resolution" as it is used in this specification. This amendment is supported by the original text of the specification defining target resolution. *See e.g.* page 6, lines 29-30 (defining target resolution as the resolution for a display device at which the test item panel 32 would occupy all available space in a test item window 31 so as to fill the entire screen.). The added lines are consistent with and further clarify this definition. When a test item is displayed within a test item panel on a display device with a resolution equal to the target resolution, then the test item panel and hence the visible portion of the test item will fill the entire screen. *See e.g.* page 6, lines 27-30 and page 7, lines 1-7. The above referenced amendment helps to separate the cause from the effect.

The paragraph beginning at page 6, line 27 of the specification has been amended to further clarify the definition of "target resolution." The paragraph now recites that, for the example shown in Figures 2 and 3, the target resolution has been set to the resolution of display device 26 of Figure 2. This is not new matter. This information was contained within original lines 27-29 of page 6, now deleted. The original sentence stated that test item 20 is designed for display on a device with a target resolution equal to the resolution of display device 26. In other words, the target resolution was set to the resolution of display device 26. The amended line merely clarifies the ambiguities in the deleted phrase. Some editorial revisions were also made to the paragraph.

The paragraph beginning at page 7, line 8 of the specification has been amended to clarify ambiguities. Some editorial revisions have been made as well. No new matter has been added. The phrase "visible through" has been added to clarify what is meant when a test item is "presented" in a test panel. This is not new matter. Lines 8-9 of page 6 refer to a test item as being "visible through" a test item panel. Furthermore, the term panel has been substituted for the term window for the sake of consistency and clarity. A test panel is displayed within a test window (*see* page 6, lines 7-8). A test item is displayed within a test panel that is within a test window (*see* page 6, lines 7-9). Therefore, this amendment does not add new matter. This revision was made so as to be consistent with the end of the paragraph, which refers to the test panel. Finally, the meaning of the phrase "amount of test item panel 32 space" has been

clarified. The amount of space of a panel refers to the panel's dimensions, which are measured in pixels. (*See e.g.* page 6, lines 12-19). Therefore, the amendment merely explains that using the "same amount of space" to display the test item means that the same number of pixels is visible through the display panel.

The paragraph beginning at page 7, line 21 of the specification has been amended to clarify ambiguities. Some minor editorial revisions have also been made. The amendment adds a phrase stating that the same number of pixels is visible through the test item panel despite the resolution of the display device. As stated above, this is not new matter. *See e.g.* page 7, lines 8-10 and lines 13-16.

Minor editorial revisions were made to the paragraphs beginning at page 16, line 5 and page 13, line 6. The text of both paragraphs has been edited so that the term "test item panel 32" is used consistently.

Finally, all instances of trademarks that appear in this specification have been capitalized and accompanied by generic terminology as per the Examiner's request.

#### **CLAIM AMENDMENTS**

Claims 1-23 are still pending. Claims 1, 11, 12, and 22 have been amended to clarify the meaning by using consistent terminology without changing the scope of the claims. Each of these claims formerly used the term "window" to refer to an element having constant dimensions defined in pixels. The specification refers to this element as a "panel." To avoid inconsistency, in each of these claims, the term "window" has been amended to read "panel." Support for these amendments is found on page 6, lines 7-11 the specification. This paragraph sets out the relationship between test windows and test item panels. Further support is found on page 7, lines 8-10 and 13-16. This paragraph explains that a test item panel's dimensions in pixels do not change despite the resolution of the display device on which it is displayed. These amendments were made merely for the sake of consistency and clarity; the scope of each claim has not changed.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH.**

Claims 1-23 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Each claim was rejected for essentially the same limitation.

Specifically, the Examiner believed the specification lacked an explanation as to why the same amount of scrolling would be required to view the test item regardless of the resolution of each display device. These rejections are respectfully traversed. The following is a brief clarification of the uniform scrolling effect accompanied by citations to the sections of the specification in which these explanations and details can be found.

The test item is comprised of a test item image, which is defined by data assignments to data points or pixels. *See e.g.* page 5, lines 19-22 and page 11, lines 5-6. This means that the image will be displayed using a particular number of pixels and thus will always have the same dimensions in pixels despite the resolution of the display device. An image will merely appear smaller on a display device with a larger resolution. *See e.g.* page 6, lines 12-26. At least a portion of the test item is displayed within (or visible through) a test item panel. *See e.g.* page 6, lines 7-11. The same number of pixels is always visible through the test item panel despite the resolution of the display device. *See e.g.* page 7, lines 8-10 and 13-16. The amendments to the specification further clarify the cited lines and support this assertion. Because both the dimensions of the test item and the dimensions of the test item panel remain constant despite the resolution of the particular display device used to display the test item and panel, the same portion of the test item is always visible through the panel. Therefore, the same amount of scrolling is necessary to view the entire test item, regardless of the resolution of the display device on which the test item is being displayed. *See e.g.* page 7, lines 24-27.

#### **EXAMINER INTERVIEW SUMMARY**

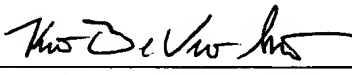
A telephone conference with Examiner Harris was conducted on October 12, 2004 by Kate DeVries Smith, with Julie Skoge also in attendance. Applicants wish to thank Examiner Harris for the courtesy of conducting the interview. The claim amendments and specification amendments filed herewith were discussed. The enablement rejection and the objections to the drawings were also discussed. In summary, it was agreed that the rejection based on enablement would be overcome with the amendments clarifying the terms panel and window. Regarding the objection to the drawings, it was agreed that the noted elements could be found in the drawings.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance.

Respectfully submitted,

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Date: Oct. 25, 2004

  
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